

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Pent Angel Way, 325' S of
Penn Avenue * ZONING COMMISSIONER
(9318 Pent Angel Way)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 91-445-A
Richard W. Offutt, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 24 feet in lieu of the required 35 feet for a proposed addition and existing shed, and to amend the last approved Final Development Plan of the Jasper Property, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of June, 1991 that the Petition for Residential Variance to permit a rear yard setback of 24 feet in lieu of the required 35 feet for a proposed addition and existing shed, and to amend the last approved Final Development Plan of the Jasper Property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 6/24/91
By [Signature]

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-445-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9318 Pent Angel Way
Baltimore, MD 21236
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
Practical difficulty - See Attachment II

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
AFFIANT (Handwritten Signature)
Richard W. Offutt
AFFIANT (Printed Name)
[Signature]
AFFIANT (Handwritten Signature)
Francine Offutt
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard W. Offutt & *Francine Offutt*
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/24/91
DATE

[Signature]
NOTARY PUBLIC
My Commission Expires: 7/1/93

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 26, 1991

Mr. & Mrs. Richard W. Offutt
9318 Pent Angel Way
Baltimore, Maryland 21236

RE: PETITION FOR RESIDENTIAL VARIANCE
E/S Pent Angel Way, 325' S of Penn Avenue
(9318 Pent Angel Way)
11th Election District - 5th Councilmanic District
Richard W. Offutt, et ux - Petitioners
Case No. 91-445-A

Dear Mr. & Mrs. Offutt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CASE NUMBER

91-445-A



PETITIONER'S EXHIBIT # 2

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-445-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1.801.2c.6

(0.85) to allow a 24' rear setback in lieu of 35' rear setback.

Jasper Property, BK 51, F. 108.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty): practical difficulty - See Attachment II

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Richard W. Offutt

Francine Offutt

Richard W. Offutt

Francine Offutt

9318 Pent Angel Way

Baltimore, MD, 21236

4-391-2019

4-529-2388

None

None

ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be posted on the property on or before the ____ day of ____, 19__.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock, ____.

ORDER RECEIVED FOR FILING

Date 6/26/91

By [Signature]



ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning at a point on the west side of Pent Angel Way which is a variable amount of feet wide at the distance of 325 feet south of the centerline of the nearest improved intersecting street Penn Avenue which is 31 feet wide. Being Lot #20, Block 2, Section 2 in the subdivision of Ramblebrook as recorded in Baltimore County Plat Book #51, Folio #108, containing .15 acres. Also known as 9318 Pent Angel Way and located in the 11th Election District.



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 11, 1991

Mr. & Mrs. Richard W. Offutt
9318 Pent Angel Way
Baltimore, MD 21236

RE: Item No. 448, Case No. 91-445-A
Petitioner: Richard W. Offutt, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Offutt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
21st day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard W. Offutt, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 10, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Michael Prince, Item No. 420
Michael J. Maccubbin, Item No. 431
Jay S. Lebow, M.D., Item No. 433
Raymond A. Ricci, Item No. 434
Terry W. Deitz, Item No. 435
Kathleen B. Thompson, Item No. 436
William Busby, Item No. 437
Thomas P. Slask, Item No. 441
Elmer S. Cochran, Item No. 444
Richard W. Offutt, Item No. 448
Joseph C. Hiltner, Item No. 449
Jan Frederick, Item No. 451
Joseph Klein, III, Item No. 452
Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIED.ZAC/ZAC1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

5/22/91 H9100448

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (VRL)	1 X	\$35.00
060 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: OFFUTT

Please Make Checks Payable To: Baltimore County
DA4040098N:CHRC
BA-010-17AM05-23-91

\$60.00

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9318 Pent Angel Way

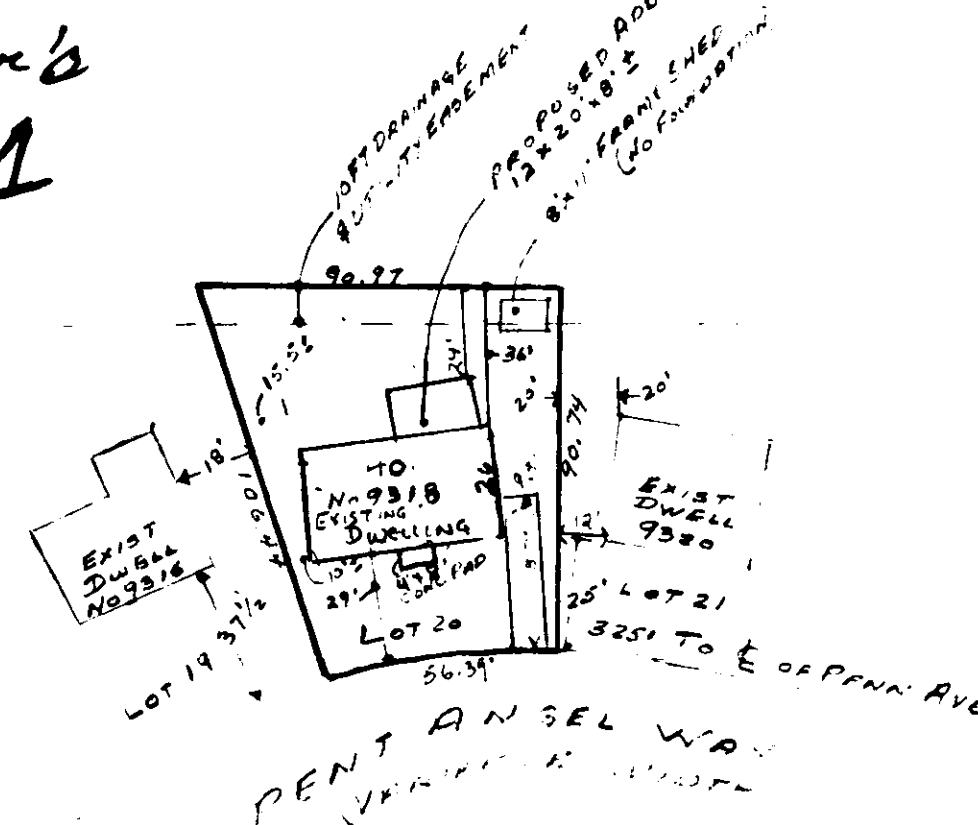
Subdivision name: SADE PRINCE
plat book # 51, folio 102, lot # 20 section

OWNER: Richard & Francine Offutt



NORTH

91-445-A
Petitioner's
Exhibit 1



North
date: _____
prepared by: _____

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Councilmanic District: 5
Election District: 11
1"-200' scale map: NE 106
Zoning: D-3
Lot size: 1/2 acreage 6750 square feet

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____
30A 448

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: June 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

Robert W. Bowling
Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:s

received
6/14/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 31, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD W. OFFUTT
Location: #9318 PENT ANGEL WAY
Item No.: 448 Zoning Agenda: JUNE 4, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John Kelly* Noted and Approved
Planning Group
Special Inspection Division

Christopher E. Smith
Fire Prevention Bureau

JK/KEK